

**AGENDA ITEM #53**

1311

Consider a resolution of the Commissioners Court of Williamson County, Texas, determining a public need and necessity for the acquisition of fee simple title to approximately 0.213 acres from Merner Land Company. along the south side of Anderson Mill Road for right-of-way and associated public purposes; authorizing an attorney designated by the county to file proceedings in eminent domain to acquire the needed property.

Moved: Commissioner Heiligenstein

Seconded: Commissioner Boatright

Motion: To approve a resolution of the Commissioners Court of Williamson County, Texas, determining a public need and necessity for the acquisition of fee simple title to approximately 0.213 acres from Merner Land Company. along the south side of Anderson Mill Road for right-of-way and associated public purposes; authorizing an attorney designated by the county to file proceedings in eminent domain to acquire the needed property.

Vote: Motion carried 5 - 0

< Clerk copy here >

THE STATE OF TEXAS :  
 : KNOW ALL MEN BY THESE PRESENTS  
 THE COUNTY OF WILLIAMSON :

That on this, the 21st day of March, A.D. 2000, the Commissioners Court of Williamson County, Texas, met in duly called Regular Meeting at the Courthouse in Georgetown, Texas, with the following members present:

John C. Doerfler, County Judge,  
 Mike Heiligenstein, Commissioner Precinct One,  
 Greg Boatright, Commissioner Precinct Two,  
 David Hays, Commissioner Precinct Three, and  
 Frankie Limmer, Commissioner Precinct Four;

and at said meeting, among other business, the Court considered the following:

#### RESOLUTION

A RESOLUTION OF THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO APPROXIMATELY 0.213 ACRES FOR RIGHT-OF-WAY AND ASSOCIATED PUBLIC PURPOSES; AUTHORIZING AN ATTORNEY FOR THE COUNTY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commissioners Court of Williamson County, Texas, upon consideration of the matter, has determined that there is a public necessity for the welfare of the County of Williamson and the public-at-large, to acquire certain real property for right-of-way and associated public purposes; and

WHEREAS, in accordance with the above, the Commissioners Court of Williamson County, Texas, hereby finds that it is in the public interest

C:\TEXT\WILLCOY\ANDERSON\Condemna\merner resolution.vpd/clb

to acquire fee simple title to certain real property for the above stated public purposes; and

WHEREAS, the real property to be acquired for such purposes is an approximate 0.213 acres of land located along the south line of Anderson Mill Road, and is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference (the "Property");

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS:

Section 1. The Commissioners Court hereby finds and determines that it is necessary for the welfare of Williamson County and its citizens and is in the public interest to acquire fee simple title to the Property for right-of-way and associated public purposes.

Section 2. The attorney for the County in this matter, or its designated attorney, is hereby authorized on behalf of the County to attempt to agree on damages and compensation to be paid to owners of the Property. If an agreement as to damages and compensation cannot be reached, then the attorney for the County is hereby authorized to file or cause to be filed, against the owners and interested parties of the Property, proceedings in eminent domain to acquire fee simple title to the Property.

Section 3. It is the intent of the Commissioners Court that this resolution authorizes the condemnation of all property required to construct, expand, and maintain a right-of-way for Anderson Mill Road. If it is later determined that there are any errors in the descriptions

contained herein or if later surveys contain more accurate revised descriptions, the attorney for the County is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the Commissioners Court of Williamson County, Texas, authorizing the condemnation of the corrected or revised Property.

Section 4. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this resolution, as fully as if the same were set forth herein.

Section 5. This Resolution shall become effective immediately from and after its approval.

The foregoing Resolution was duly moved by Commissioner Heiligenstein and seconded by Commissioner Boatright, and was then adopted by a vote of 5 voting for and 0 voting against. County Judge John C. Doerfler was duly authorized to sign said Resolution as the act and deed of Commissioner's Court of Williamson County and of said County.

John C. Doerfler  
JOHN C. DOERFLER, County Judge

ATTEST:

Nancy E. Rister  
NANCY RISTER, County Clerk

RECORDERS MEMORANDUM  
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clearly legible for satisfactory recordation.

262

## RECORDERS MEMORANDUM

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clearly legible for satisfactory recordation.

Page 1 of 2

EXHIBIT A

County: Williamson  
Parcel No.: 12  
Highway: Anderson Mill Road  
Limits: From: U.S. Highway 183  
To: Farmer Lane [F.M. 734]  
CSJ: 0914-05-072

## FIELD NOTE DESCRIPTION FOR PARCEL 12

DESCRIPTION OF A 0.0862 HECTARE (0.213 ACRE) TRACT OF LAND LOCATED IN THE HENRY RHODES SURVEY ABSTRACT NO. 522 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 4.358 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO MERNER LAND COMPANY AS RECORDED IN VOLUME 2312, PAGE 953 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 0.0862 HECTARE (0.213 ACRE) TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod set marking an angle point in said called 4.358 acre tract, said corner being the southeast corner of a called three acre tract of land described in the deed to Pond Springs Common County Line School District No. 5 as recorded in Volume 232, Page 557 of the Deed Records of Williamson County, Texas, from which an interior corner of a chain-link fence bears, S 46° 47' 36" E, a distance of 0.228 meters (0.74 feet), also from which a bent 3/4-inch iron rod found at an additional corner of said chain-link fence bears, N 68° 59' 56" E, generally with said chain-link fence and the line of occupation of said three acre tract a distance of 7.199 meters (23.62 feet);

THENCE with the common line of said called 4.358 acre tract and said called three acre tract, N 19° 09' 22" W, a distance of 91.202 meters (299.22 feet) to a 1/2-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set for the POINT OF BEGINNING at the intersection of said common line with the proposed southerly right-of-way line of Anderson Mill Road, and being 13.716 meters (45.00 feet) right of Survey Baseline "G" Station 1+829.588;

- 1) THENCE continuing with said common line, N 19° 09' 22" W, a distance of 6.334 meters (20.78 feet) to the calculated northerly common corner of said called three acre tract and said called 4.358 acre tract, said calculated corner being 1.01 meters (3.3 feet) southeast of said chain-link fence and line of occupation of said three acre tract, from which a 1/2-inch iron pipe found at the northeast corner of said chain-link fence and said line of occupation bears, N 57° 03' 42" E, a distance of 5.323 meters (17.48 feet).
- 2) THENCE with the common line of said called 4.358 acre tract and said existing right-of-way line, N 68° 21' 26" E, a distance of 134.789 meters (442.22 feet) to the calculated northeast corner of said called 4.358 acre tract and marking an angle point in said common line, from which a 3/4-inch iron rod found for reference bears, N 83° 03' 16" W, a distance of 0.890 meters (2.92 feet), said northeast corner lying on the northerly extension of the most northerly west line of Springwoods Park a subdivision recorded in Cabinet J, Slides 357 & 358, of the Plat Records of Williamson County, Texas;

263

## RECORDERS MEMORANDUM

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Page 2 of 2

- 3) THENCE continuing along said common line and said extension line, S 23° 14' 48" E, a distance of 7.074 meters (23.21 feet) to a 1/2-inch iron rod with TxDOT aluminum cap set at the intersection of said common line and said extension line with the aforementioned proposed southerly right-of-way line of Anderson Mill Road, and being 13.708 meters (44.97 feet) right of Survey Baseline "G" Station 1+985.291, from which the calculated northwest corner of Lot 1, Block A of said Springwoods Park bears, S 23° 14' 48" E, 1.986 meters (6.45 feet), and continuing for a total distance of 61.360 meters (201.31 feet) to a 1/2-inch iron rod found at an angle point in the west line of said Lot 1 and said called 4.358 acre tract;

THENCE with said proposed right-of-way line and through the interior of said called 4.358 acre tract for the following two (2) calls numbered 4 and 5:

- 4) S 69° 06' 32" W, a distance of 81.879 meters (268.63 feet) to a 1/2-inch iron rod with TxDOT aluminum cap set for angle point in said proposed right-of-way line, and being 13.716 meters (45.00 feet) right of Survey Baseline "G" Station 1+822.979, and
- 5) S 68° 00' 09" W, at a distance of 48.084 meters (157.69 feet) passing said chain-link fence and said occupation line, and continuing for a total distance of 53.391 meters (175.17 feet) to the POINT OF BEGINNING and containing 0.0862 hectare (0.213 acre) of land, more or less.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

Reference is made hereon of a survey report that accompanies this description: SR0002.JVM

Note: English units, shown in parenthesis herein, are provided for information only.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

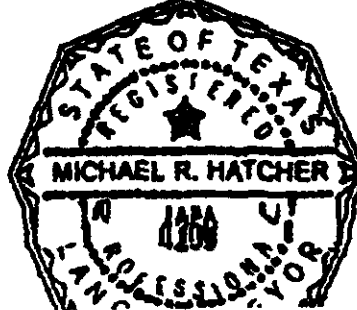
COUNTY OF TRAVIS

That I, Michael R. Hatcher, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 24<sup>th</sup> day of November, 1997 A.D.

SURVEYING AND MAPPING, Inc.  
4029 Capital Of Texas Hwy., So. Suite 125  
Austin, Texas 78704

*Michael R. Hatcher*  
Michael R. Hatcher  
Registered Professional Land Surveyor  
No. 4259 - State of Texas



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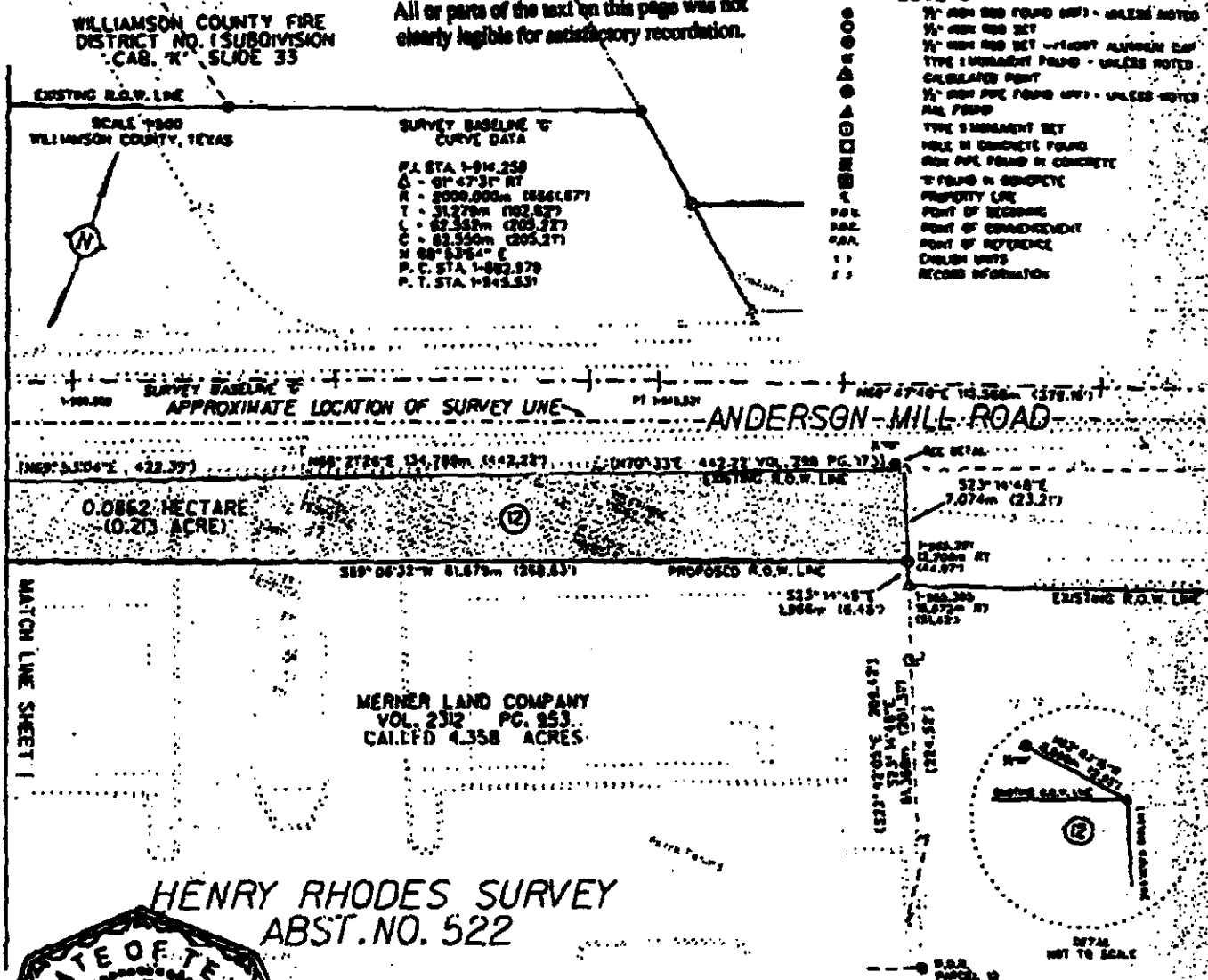
264

## RECORDERS MEMORANDUM

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## LEGEND

1/2" IRON ROD FOUND (NOT) - UNLESS NOTED  
 3/4" IRON ROD SET  
 1/2" IRON ROD SET - TYPICAL ALUMINUM CAP  
 TYPE I IRON ROD FOUND - UNLESS NOTED  
 CALCULATED POINT  
 1/2" IRON PIPE FOUND (NOT) - UNLESS NOTED  
 NAIL FOUND  
 TYPE II IRON ROD SET  
 NAIL IN CONCRETE FOUND  
 NAIL PIPE FOUND IN CONCRETE  
 T FOUND IN CONCRETE  
 PROPERTY LINE  
 POINT OF BEGINNING  
 POINT OF COMMENCEMENT  
 POINT OF REFERENCE  
 CHAIN UNITS  
 RECORD INFORMATION



Survey

PAGE 2 OF 2  
 REF. FIELD NOTE NO. 0092  
 REF. SURVEY REPORT NO. 0092

SAM INC

4900 Capital of Texas Highway, Co.  
 Suite 200 Professional Plaza, Suite 125  
 Austin Texas 78714  
 512.347.4676

RIGHT-OF-WAY SKETCH  
 SHOWING PROPERTY OF  
 MERNER LAND COMPANY

SCALE 1"=80'  
WILLIAMSON COUNTY, TEXASPAYLESS CASHWAYS, INC.  
VOL. 849 PG. 552  
CALLED 6.680 ACRESSURVEY BASELINE "C"  
CURVE DATA

P.I. STA 1+000.000  
 Δ - 87°47'31" RT  
 R - 2000.000m (6561.677)  
 T - 31.770m (102.627)  
 C - 62.302m (204.327)  
 P.C. STA 1+000.000  
 P.T. STA 1+000.000

VOL. 849 PG. 558  
CALLED 0.777 ACRES

## LEGEND

1/4" IRON ROD FOUND (NFI) - UNLESS NOTED  
 1/4" IRON ROD SET  
 1/4" IRON ROD SET WITHOUT ALUMINUM CAP  
 TYPE I EMBLEMMENT FOUND - UNLESS NOTED  
 CALCULATED POINT  
 1/4" IRON PIPE FOUND (NFI) - UNLESS NOTED  
 NAIL FOUND  
 TYPE I EMBLEMMENT SET  
 HOLE IN CONCRETE FOUND  
 IRON PIPE FOUND IN CONCRETE  
 "T" FOUND IN CONCRETE  
 PROPERTY LINE  
 POINT OF BEGINNING  
 POINT OF COMMENCEMENT  
 POINT OF REFERENCE  
 SURVEY UNITS  
 RECORD INFORMATION

## RECORDERS MEMORANDUM

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EXISTING R.O.W. LINE

RMS 10-10-10 58.00m (190.137)

ANDERSON MILL ROAD

APPROXIMATE LOCATION OF SURVEY LINE

0.0662 HECTARE  
10.213 ACRES

EXISTING R.O.W. LINE

PROPOSED R.O.W. LINE

N89°09'22"W  
8.334m (27.347)

0.000  
 0.000  
 1.000m  
 10.000m  
 10.000m

0.0000 ACRES  
OCCUPIED BY  
R.U.S.D.

JOHN D. MILLEGAN, T. J. WOLF  
 AND C. A. CAMPBELL, TRUSTEES  
 POND SPRINGS COMMON COUNTY INF.  
 SCHOOL DISTRICT NO. 5  
 VOL. 232 PG. 557  
 CALLED 3 ACRES

MERNER LAND COMPANY  
 VOL. 232 PG. 953  
 CALLED 4.358 ACRES

DETAIL  
NOT TO SCALE

FENCE POST

SEE DETAIL

P.C. POINT

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HENRY RHODES SURVEY  
ABST. NO. 522

## NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON AERIAL SURVEY DIGITAL FILES PROVIDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.
4. ENGLISH UNITS SHOWN IN BRACKETS ARE PROVIDED FOR INFORMATION ONLY.

Survey

PAGE 1 OF 2  
 REF. FIELD NOTE NO. 0993  
 REF. SURVEY REPORT NO. 0002

RIGHT-OF-WAY SKETCH  
 SHOWING PROPERTY OF  
 MERNER LAND COMPANY

SAM INC

4000 Capital of Texas Highway, S.W.  
 Suite 1000  
 Austin, Texas 78704



**AGENDA ITEM #54**

1330

**Comments from commissioners.**

Commissioner Heiligenstein discussed Clean Air Force meeting which he attended March 20, 2000.

Commissioner Boatright advised City of Austin delayed our peer review again during March 19, 2000, evening meeting.

Commissioner Limmer advised the Coupland sewer project is almost complete and he plans to add an item to the March 28, 2000, agenda to consider transferring ownership to Coupland Water Supply Corporation

**COMMISSIONERS COURT ADJOURNED AT 11:32 A. M. ON TUESDAY, MARCH 21, 2000.**